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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,132	10/20/2003	Eugene E. Owen JR.	99116 (BLL-0078C)	2781
36192	7590	05/02/2006	EXAMINER	
CANTOR COLBURN LLP - BELLSOUTH			AL HASHEMI, SANA A	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	

2164

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/689,132

Applicant(s)

OWEN, EUGENE E.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/20/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is issued in response to application filed 10/20/03.
2. Claims 1-26 are pending.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

### *Double Patenting*

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1- 26 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1- 26 of prior U.S. Patent No.6, 636,864. This is a double patenting rejection.

The following table shows the claims 1-26 in the instant application "10689132" that are rejected by corresponding claims 1-26 in US Patent "6636864"

### Claims Comparison Table:

10/689132

6636864

Claims 1-26

Claims 1-26

Regarding claims 1-26, of the instant application, duplicate of claims 1-26 of US Patent 6,636,864 are rejected. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording. The claims are rejected under double patenting rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-18, 20-25 are rejected under 35 U.S.C 102(b) as being anticipated by Sampson et al. (US Patent No. 6,058,392 issued May 2, 2000).

Regarding Claim 1, and 21, Sampson discloses a method for generating a data feed file from at least one raw data file for use by a desktop application comprising:

(a) developing a set of data feed file criteria comprising at least one data-locating criterion (see column 5, lines 4-11, Sampson);

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(b) extracting at least a portion of data from a raw data file based on at least one data locating criterion (see column 5, lines 61-65, Sampson);

(c) creating a report wherein the report comprises data extracted from the raw data file (see column 10, lines 5-7, Sampson);

(d) populating the data feed file with data from the report (see column 10, lines 5-7, Sampson).

Regarding Claim 4, Sampson discloses a method wherein the raw data file comprises at least one record and each record comprises at least one data field (see Fig. 2, step 18, Sampson).

Regarding Claim 5, Sampson discloses a method wherein said data-locating criterion identifies the location of data in the raw data file needed for the data feed file (see Fig. 4a, step 88, Sampson).

Regarding Claims 6, Sampson discloses a method wherein said location of data in the raw data file is defined as the location of the data field in each record of the raw data file containing data needed for the data feed file (see Fig. 4b, step 96, Sampson).

Regarding Claim 7, Sampson discloses a method wherein the data field location is identified by the category of data contained in the data field (see Fig. 4c, step 98, Sampson).

Regarding Claim 8, Sampson discloses a method wherein the data field location is identified by the position of the data field in each record of the raw data file (see Fig. 4d, step 92, Sampson).

Regarding Claim 9, Sampson discloses a method wherein the data feed file criteria further comprises at least one data-limiting criterion wherein, the data-limiting criterion defines

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the characteristics of data that will be included in the data feed file (see Fig. 4e, step 96, Sampson).

Regarding Claim 10, Sampson discloses a method further comprises:

- a) analyzing said report to determine whether data in the report complies with data-  
10 limiting criteria (see column 9, lines 2-8, Sampson); and
- b) deleting lines from the report which contain data that does not comply with data-  
limiting criteria (see column 11, lines 1-8, Sampson).

Regarding Claims 11, and 24, Sampson discloses a method wherein the data feed file criteria further comprises at least one hard-coded data criterion, wherein the hard-coded data criterion specifies data to be included in the data feed file that is not included in the raw data file (see column 7, lines 18-31, Sampson).

Regarding Claims 12, and 25, Sampson discloses a method further comprising populating a data feed file with data specified by the hard-coded data criteria (see column 12, lines 7-14, Sampson).

Regarding Claim 13, Sampson discloses a method wherein the raw data file is stored on an electronic storage device.

Regarding Claim 14, Sampson discloses a method wherein the electronic storage device is a mainframe computer (Col. 4, and 5, lines 62-67, and 1-67, respectively, Sampson).

Regarding Claim 15, Sampson discloses a system of generating a data feed file from a raw data file for use by a desktop application comprising:

- (a) at least two data storage devices (see Fig. 3, steps 108, 102, Sampson);
- (b) a data extraction tool wherein the data extraction tool:

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i) extracts at least a portion of data from the raw data file based on at least one data-locating criterion (see Fig. 4c, step 98, Sampson); and

ii) creates a report comprising the extracted data (see column 10, lines 5-7, Sampson);

(c) a formatting tool wherein said formatting tool:

i) extracts data from the report created by the data extraction tool (see column 10, lines 19-23, Sampson); and

ii) populates the data feed file with data extracted from the report (see column 13, lines 5-8, Sampson).

Regarding Claim 16, Sampson discloses a system further comprising a discrimination tool wherein the discrimination tool:

analyzes said report to determine whether data in the report complies with data-limiting criteria (see column 12, lines 22-26, Sampson); and

deletes lines from the report which contain data that does not comply with data-limiting criteria (see column 12, lines 27-31, Sampson).

Regarding Claim 17, Sampson discloses a system wherein said formatting tool further populates the data feed file with data specified by at least one hard-coded data criterion (see column 11, lines 18-24, Sampson).

Regarding Claim 18, Sampson discloses a system wherein at least one data storage device stores the raw data file (see Fig. 3, step 108, Sampson).

Regarding Claim 20, Sampson discloses a system further comprises a means to electronically transmit data between at least two data storage devices (see Fig. 3, step 104, Sampson).

Regarding Claim 22, Sampson discloses a system wherein said data feed file criteria further comprises at least one data-limiting criterion (see Fig. 4e, step 92, Sampson).

Regarding Claim 23, Sampson discloses a system further comprising verifying that data in said report complies with said data-limiting criteria and deleting lines in the report that contain data that does not comply with said data-limiting criteria (see column 12, lines 27-31, Sampson).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 19, and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson et (US Patent 6,058,392) as applied to claims 1, 4- 18, 20- 25 above, and further in view of Berry et al. (US Patent No. 6,025,828).

Regarding Claims 2, 3, 19, and 26, Sampson does disclose the method of generating readable reports but does not explicitly disclose the location accessible to the desktop application is a local area network electronically accessible to a desktop application. However, Berry et al.



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does disclose the location accessible to the desktop application is a local area network electronically accessible to a desktop application (see column 5, lines 1-3, Berry). It would have been obvious to one of ordinary skill in the art to modify the Sampson's invention by making the location accessible to the desktop application is a local area network electronically accessible to a desktop application and the motivation would be allowing the icon to serve as a convenient handle for an object to be reach by the users. Sampson and Berry are analogues are and they both are in the same endeavor, since both arts deals with organizational indexing, storage, retrieval of data according to data pattern and accessing location on the desktop application, where there is an expectation of success resulting in combining the two references.

***Other Prior Art Made of Record***

- 1- Sampson et al. (US Patent No. 6,058,392) discloses method for the organizational indexing, storage, and retrieval of data according to data pattern signatures.
- 2- Vanderveldt et al. (US Patent No. 6,266,668) discloses a system and method for dynamic data-mining and on-line communication of customized information.
- 3- Butler et al. (US Patent No. 6,401,091) discloses a business information repository system and method of operation.
- 4- Cahill et al. (US Patent No. 5,678,046) discloses a method and apparatus for distributing files on a file storage device.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

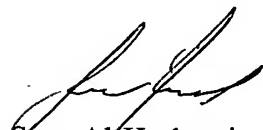
*Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
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